FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 2399

DATE FILMED 9/9/88 CAMERA NO. 2

CAMERAMAN K.A.U.

8804071 3772

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 17, 1987

MEMORANDUM

TO: LAWRENCE M. NOBLE
ACTING GENERAL COUNSEL

THROUGH: JOHN C. SURINA
STAFF DIRECTOR

FROM: JOHN D. GIBSON
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

SUBJECT: 30 DAY POST-GENERAL REPORT NON-FILER REFERRALS OF UNAUTHORIZED COMMITTEES

Attached is a listing of fifteen (15) unauthorized committees which failed to file the 1986 30 Day Post-General Report within thirty (30) days of the date of the Non-Filer Notice. In accordance with Standard 3 of the 1985-1986 RAD Review and Referral Procedures for Unauthorized Committees, further examination is required by your office.

On September 29, 1986, prior notification was sent to all unauthorized committees informing them that all committees, regardless of election activity, must file the 30 Day Post-General Report by December 4, 1986 (Attachment 16). Each committee which failed to submit a report covering the post-election reporting period was sent a Non-Filer Notice on December 23, 1986 (Attachment 17).

The attached printout lists the name, address and treasurer for each committee being referred. Any telephone conversations are referenced under Contacts with Filers. The Summary Pages of late-filed reports and/or letters of explanation are included under Reports Filed/Response(s). In addition, a "C" index accompanies each committee. In a few instances, the aggregate receipt and disbursement figures may be inflated because reports were submitted covering portions of the same reporting period.

If you have any questions, please contact Lisa J. Stolaruk at 376-2480.

Attachments

8804071373 7

C00002931 National Republican Congressional Committee Contributions 87NF-69

8804071377 4

NATIONAL REPUBLICAN CONGRESSIONAL COMMITTEE CONTRIBUTIONS

(Attachments 9a - 9e)

88040713775

8 8 0 4 0 7 1 3 7 7 6

FEDERAL ELECTION COMMISSION
1985-1986
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

DATE 16MAR87

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
				TYPE OF FILER		
NATIONAL REPUBLICAN CONGRESSIONAL COMMITTEE CONTRIBUTIONS				ID C00002921	PARTY QUALIFIED	
CONNECTED ORGANIZATION: NAT'L REP. CONG. CMTE. - EXPEND.						
1985	MID-YEAR REPORT	11,040,181	9,075,000	1JAN85 -30JUN85	722	85HSE/288/4226
	MID-YEAR REPORT - AMENDMENT	-	-	1JAN85 -30JUN85	1	85HSE/291/3310
	MID-YEAR REPORT - AMENDMENT	11,040,181	9,075,000	1JAN85 -30JUN85	234	86FEC/404/2391
	MID-YEAR REPORT - AMENDMENT	-	-	1JAN85 -30JUN85	3	86FEC/406/3234
	REQUEST FOR ADDITIONAL INFORMATION			1JAN85 -30JUN85	3	86FEC/402/47[illegible]
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JAN85 -30JUN85	2	86FEC/404/52[illegible]
	YEAR-END	8,168,033	8,350,000	1JUL85 -31DEC85	1407	86HSE/294/05[illegible]
	YEAR-END - AMENDMENT	-	-	1JUL85 -31DEC85	3	86FEC/407/51[illegible]
	REQUEST FOR ADDITIONAL INFORMATION			1JUL85 -31DEC85	2	86FEC/406/2484
1986	APRIL QUARTERLY	3,128,378	3,700,000	1JAN86 -31MAR86	158	86HSE/300/1303
	JULY QUARTERLY	5,665,499	4,750,000	1APR86 -30JUN86	479	86HSE/307/1261
	OCTOBER QUARTERLY	4,835,402	7,025,000	1JUL86 -30SEP86	729	86HSE/316/0100
	OCTOBER QUARTERLY - AMENDMENT	4,835,402	7,025,000	1JUL86 -30SEP86	10	87FEC/452/3292
	REQUEST FOR ADDITIONAL INFORMATION			1JUL86 -30SEP86	1	86FEC/450/5378
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JUL86 -30SEP86	2	87FEC/452/3543
	PRE-GENERAL	5,041,426	6,589,000	1OCT86 -24NOV86	730	87HSE/329/4232
	NOTICE OF FAILURE TO FILE			24NOV86	1	86FEC/452/1450
	YEAR-END	1,556,017	1,401,280	25NOV86 -31DEC86	309	87HSE/330/1933
	YEAR-END - AMENDMENT	1,556,017	1,401,280	25NOV86 -31DEC86	4	87HSE/332/1914
	REQUEST FOR ADDITIONAL INFORMATION			25NOV86 -31DEC86	1	87FEC/461/3121
	TOTAL	39,434,936	0 40,890,280	0	4881	TOTAL PAGES

All reports have been reviewed.

Debts owed to the Committee: $0

Debts owed by the Committee: $2,000,000

Ending Cash-on-Hand as of 12/31/86: $259,255

Attachment 9a

Attachment 9b

MEMORANDUM TO THE FILES:

COMMITTEE: National Republican Congressional Committee- Contributions

I.D. NUMBER: C00002931

CONTACT: Benjamin L. Ginzberg, Legal Counsel

DATE: 1/6/87

ANALYST: Brian J. Hancock

SUBJECT: 30G Non-Filer

Mr. Ginzberg called today in regards to the Non-Filer Notice sent to his committee referencing the 30 Day Post-General Report. Mr. Ginzberg contended that the committee simply was not required to file the report since, according to him, the committee had no activity during the reporting period . Mr. Ginzberg asked me why I felt that they were required to file the report. I replied by quoting to Mr. Ginzberg 11CFR 104.5(c)(1)(iii), reading the January 1986 edition of the FEC RECORD which discussed 1986 filing requirements, reading the prior notice for the 1986 October Quarterly Report (which included 12G and 30G filing deadlines), and by noting that his committee had filed a 12 Day Pre-General Report and a 30 Day Post-General Report in 1984. I explained that if he was still contending that they were not required to file the report, he might at least consider submitting a letter explaining his reasons for not filing.

Mr. Ginzberg stated that he would think about an appropriate response and contact me when he reached a decision.

8804071377 7

Attachment 9c

MEMORANDUM TO THE FILES:

COMMITTEE: National Republican Congressional Committee- Contributions

I.D. NUMBER: C00002931

CONTACT: Benjamin L. Ginzberg, Legal Counsel

DATE: 1/8 and 1/9/87

ANALYST: Brian J. Hancock

SUBJECT: 30 G Non-Filer

On 1/8/87, Mr Ginzberg called and again stated that by his interpretation of the law, the committee was not required to file the report. He went on to state that he was drafting a letter responding to the Non-Filer Notice and would call me back to read me this response.

On 1/9/87, Mr. Ginzberg, as promised, contacted me and read his letter, which basically reiterated his belief that the committee was not required to file the 30 Day Post-General Report. I explained to Mr. Ginzberg that even though he was sending such a letter to the Commission, the letter could not be accepted in place of the missing report. Mr. Ginzberg then asked if it would be acceptable to include any activity from the 30 Day Post-General reporting period with the Year End filing. I stated that I would speak with my supervisor and get back to him regarding this course of action. Mr. Ginzberg told me that he would be out of town for the next several days, and that I should contact Ms. Deborah Flaven at his office on 1/12/87.

8 8 0 4 0 7 1 3 7 7 8

Attachment 9d

MEMORANDUM TO THE FILES:

COMMITTEE: National Republican Congressional Committee-Contributions

I.D. NUMBER: C00002931

CONTACT: Ms. Deborah Flaven, Legal Assistant

DATE: 1/12/87

ANALYST: Brian J. Hancock

SUBJECT: 30G Non-Filer

I contacted Ms. Flaven as requested by Mr. Ginzberg during our last conversation. I explained to Ms. Flaven that, although the 30 Day Post-General Report transactions could be included in the Year End Report, the 30 Day Post-General Report would be considered a late filing. I told Ms. Flaven that the report was required under 11 CFR 104.5(c)(1)(iii) and needed to be filed. I told Ms. Flaven that if the report was not filed, the matter would be forwarded to our General Counsel's office. Ms. Flaven replied that she would pass the information along to Mr. Ginsberg.

8804071 3779

Attachment 9e

[redacted]

1. Name of Committee (In Full)

National Republican Congressional Committee - Contributions

Address (Number and Street)

320 1st Street, S. E.

City, State and ZIP Code

Washington, D. C. 20003

3. FEC Identification Number

C00116

2. [ ] This committee certified as a multicandidate committee

This Reporting Period on _____

[ ] End of calendar quarter [ ] [illegible]

[ ] End of calendar month [ ] [illegible]

[ ] July 31 and Year-End Report from January 1 [illegible]

[ ] Monthly Report for _____

[ ] Twenty day report preceding _____ election on _____ in the State of _____

[ ] Twenty day report following the General Election on _____ in the State of _____

[ ] Amendment to Report

Is this the Report as Amended? [ ] Yes [ ] No

SUMMARY

5. Covering Period 10/1/96 through 11/26/96		
6. (a) Cash on Hand January 1, 19 96		
(b) Cash on Hand at Beginning of Reporting Period		
(c) Total Receipts (From Line 19)		
(d) Subtotal (Add Lines 6(b) and 6(c) for Column A and Line 6(c) and 6(d) for Column B)		
7. Total Disbursements (From Line 29)		
8. Cash on Hand at Close of Reporting Period (Subtract Line 7 from Line 6(d))		
9. Debts and Obligations Owed TO This Committee (Itemize all on Schedule C or Schedule D)		
10. Debts and Obligations Owed BY This Committee (Itemize all on Schedule C or Schedule D)		

I certify that I have examined this report and to the best of my knowledge and belief it is true, correct and complete.

Jack McDonald

Typed or Print Name of Treasurer

Signature of Treasurer

Date Signed

Name of Staff Member or Contractor Preparing Report

Signature of Staff Member or Contractor

Date Signed

FOR FEC USE ONLY

SENSITIVE

FEDERAL ELECTION COMMISSION

FIRST GENERAL COUNSEL'S REPORT

RAD Referrals 87NF-61
through 87NF-76

STAFF: A. Weissenborn

SOURCE OF MUR: INTERNALLY GENERATED

RESPONDENTS':

National Republican Congressional Committee Contributions — 87NF-69

RELEVANT STATUTE: 2 U.S.C. § 434(a)(4)(A)(iii)

INTERNAL REPORTS CHECKED: Public Records

FEDERAL AGENCIES CHECKED: None

8804071378 1

I. GENERATION OF MATTER

On March 17, 1987, the Reports Anaysis Division ("RAD") referred the following 15 unauthorized political committees to the Office of the General Counsel for failure to file the 1986 Post-General Election Report timely:[1/]

:National Republican Congressional Committee Contributions

8 8 0 4 0 7 1 3 7 8 2

II. FACTUAL AND LEGAL ANALYSIS

(A) The Facts

On September 29, 1986, notification was sent to all unauthorized political committee advising that regardless of

---

1/ The 1986 Post-General Election Report must disclose all financial activity from the close of books of the last report, or the date of registration (whichever is later), through November 24, 1986.

2/ The fifteen committees discussed in this report were referred to this Office as a group by the Reports Analysis Division. Each referral in which the Commission decides to open a MUR will be assigned a separate MUR number and handled by the staff person indicated in the attached notification letters.

election activity, the 1986 Post-General Election Report was required to be filed by December 4, 1986. Each political committee which failed to submit a report covering the post-general election reporting period was sent a Non-Filer Notice on December 23, 1986.

1. National Republican Congressional Committee Contributions

8804071337 83

8804071 3784

4/ The 1986 Post-General Election Report covered six days (11-25-86 through 11-30-86) of the 1986 Year-End reporting period.

(B) The Applicable Law

Pursuant to 2 U.S.C. § 434(a)(4)(A)(iii), all political committees other than the authorized committees of a candidate shall file a post-general election report, which shall be filed no later than the 30th day after the general election and which shall be complete as of the 20th day after such general election.

(C) Application of the Law to the Facts

The record in this matter demonstrates that the 15 political committees discussed on pages 3 - 7 above were required to file the 1986 Post-General Election Report by December 4, 1986. The above committees, however, failed to file the report in a timely manner. In consideration of this circumstance it is the recommendation of this office that the Commission open a Matter Under Review and find reason to believe that a violation of 2 U.S.C. § 434(a)(4)(A)(iii) occurred with respect to the late filing of the 1986 Post-General Election Report by:

8 9 0 4 0 7 1 3 7 8 5

National Republican Congressional Committee and Jack McDonald as treasurer;

8804071378 6

III. **RECOMMENDATIONS**

1. Open Matters Under Review with respect to each of the following:

   a)

   b)
   c)

   d).

   e)

   f)

   g)

   h)

   i) National Republican Congressional Committee Contributions and Jack McDonald as Treasurer;

   j)

   k)
   l)

   m)

2. Find reason to believe those political committees and individuals listed in recommendation one above violated 2 U.S.C. § 434(a)(4)(A)(iii).

3.

8 8 0 4 0 7 1 3 7 8 7

4.

5. Approve the attached letters and Factual and Legal Analyses.

Date 4/20/97

Lawrence M. Noble
Acting General Counsel

Attachments
1. RAD Referral
2. Letters (14) and Analyses (14)

8 8 0 4 0 7 1 3 7 8 8

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

RAD Ref. 87NF-61
through 87NF-75

National Republican Congressional Committee and
Jack McDonald, as treasurer;

8804071 37789

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on April 23, 1987, the Commission decided by a vote of 6-0 to take the following actions in RAD Ref. 87NF-61 through 87NF-75:

1. Open Matters Under Review with respect to each of the following:

c)

d)

e)

f)

g)

h)

i) National Republican Congressional Committee and Jack McDonld, as treasurer;

j)

k)

l)

m)

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2. Find reason to believe those political committees and individuals listed above violated 2 U.S.C. § 434(a)(4)(A)(iii).

3.

4.

5. Approve the letters and Factual and Legal Analyses, as recommended in the First General Counsel's Report signed April 20, 1987.

Commissioners Aikens, Elliott, Josefiak, McDonald, McGarry, and Thomas voted affirmatively for the decision.

Attest:

4-23-87
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

Received in the Office of Commission Secretary: Mon., 4-20-87, 4:57
Circulated on 48 hour tally basis: Tues., 4-21-87, 11:00
Deadline for vote: Thurs., 4-23-87, 11:00

88040713791

Plan
Snyder

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 4, 1987

Jack McDonald, Treasurer
National Republican Congressional
Committee Contributions
320 First Street, S.E.
Washington, D.C. 20003

Re: MUR 2399
National Republican
Congressional Committee
Contributions; Jack McDonald,
as treasurer

Dear Mr. McDonald:

On April 23, 1987, the Federal Election Commission found that there is reason to believe the National Republican Congressional Commitee Contributions ("Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iii), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against the Committee and you, as treasurer. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information demonstrating that no further action should be taken against the Committee and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be

8804071379 2

pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel is not authorized to give extensions beyond 20 days.

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

The investigation now being conducted will be confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Charles Snyder, at (202) 376-8200.

Sincerely,

Scott E. Thomas
Chairman

Enclosures
Factual and Legal Analysis
Procedures
Designation of Counsel Form

88040713793

GCC#3429 RECEIVED AT THE FEC
HAND DELIVERED
87 MAY 21 P1:58

National Republican Congressional Committee

320 FIRST STREET, S.E. • WASHINGTON, D.C. 20003 • 202-479-7000

CHAIRMAN
Guy Vander Jagt, M.C.
Michigan

EXECUTIVE DIRECTOR
Joseph R. Gaylord

May 21, 1987

87 MAY 21 P2:02
RECEIVED
OFFICE OF THE
GENERAL COUNSEL

Larry Noble, Esquire
Acting General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RE: MUR 2399, National Republican Congressional Committee Contributions and Jack McDonald, as treasurer.

Dear Mr. Noble:

The Factual and Legal Analysis issued in the above styled MUR alleges that Respondents violated 2 U.S.C. section 434(a)(4)(A)(iii) by failing to file a post-general election report within the requisite time. Respondents where under the belief that since they had been relieved of the requirement of filing a pre-election report, due to the lack of pre-election activity, they were similarly relieved of the requirement of filing a post-election report.

However, when advised of the Commission's contrary view by the December 23, 1986 Non-Filer Notice, which was received by Respondents on January 5, 1987, Respondents undertook to comply expeditiously with the requirement. Once the need to file the post-election report was confirmed with Commission staff, Respondents filed the required report.

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Paid for by the National Republican Congressional Committee. Not produced at government expense

Respondents will not contest the Commission's position regarding the post-election report applicability. Respondents, through counsel and pursuant to 11 C.F.R. section 111.18(d), do hereby express a desire to enter into negotiations directed towards reaching a pre-probable cause conciliation agreement in the above styled matter.

Thank you for your anticipated assistance in this matter.

Sincerely,

Jan W. Baran
General Counsel

Richard D. Holcomb
Legal Counsel

JWB:rdh
7643B

38040713795

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2399

NAME OF COUNSEL: Jan W. Baran

ADDRESS: Wiley, Rein and Fielding
1776 K Street, N.W.
Washington, D.C. 20006

TELEPHONE: (203) 429-7330

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

May 7, 1987
Date

Jack McDonald
Signature

RESPONDENTS' NAME: National Republican Congressional Committee
Jack McDonald, As Treasurer

ADDRESS: NRCC
320 First Street, S.E.
Washington, D.C. 20003

HOME PHONE:

BUSINESS PHONE:

8804071379 6

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
National Republican Congressional) MUR 2399
Committee Contributions and Jack)
McDonald, as treasurer)

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On April 23, 1987, the Federal Election Commission found reason to believe that the National Republican Congressional Committee Contributions (the "Committee") and Jack McDonald, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iii). The basis for the finding was that the Committee failed to file its (1986) Post-General Election Report in a timely manner.

On May 21, 1987, respondent requested pre-probable cause conciliation in this matter. (Attachment 1) As there are no outstanding issues of fact in this case, this Office recommends that the Commission enter into pre-probable cause conciliation as requested.

II. DISCUSSION OF CONCILIATION PROVISIONS AND CIVIL PENALTY

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III. RECOMMENDATIONS

1. Enter into conciliation with the National Republican Congressional Committee Contributions and Jack McDonald, as treasurer, prior to a finding of probable cause to believe.

2. Approve the attached proposed conciliation agreement and letter.

Date 6/17/87

Lawrence M. Noble
Acting General Counsel

Attachments
1. Request for conciliation
2. Proposed Conciliation Agreement and letter

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: LAWRENCE M. NOBLE
ACTING GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/JOSHUA MCFADDEN JM

DATE: JUNE 19, 1987

SUBJECT: OBJECTION TO MUR 2399 - General Counsel's Report Signed June 17, 1987

The above-captioned document was circulated to the Commission on Thursday, June 18, 1987 at 4:00 P.M.

Objections have been received from the Commissioners as indicated by the name(s) checked:

Commissioner Aikens	
Commissioner Elliott	X
Commissioner Josefiak	X
Commissioner McDonald	
Commissioner McGarry	
Commissioner Thomas	X

This matter will be placed on the Executive Session agenda for July 7, 1987.

Please notify us who will represent your Division before the Commission on this matter.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
National Republican Congressional Committee Contributions and Jack McDonald, as treasurer	)	MUR 2399

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of July 7, 1987, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 2399:

1. Enter into conciliation with the National Republican Congressional Committee Contributions and Jack McDonald, as treasurer, prior to a finding of probable cause to believe.

2. Approve the conciliation agreement and letter attached to the General Counsel's report dated June 17, 1987

Commissioners Aikens, Elliott, Josefiak, McDonald, McGarry, and Thomas voted affirmatively for the decision.

Attest:

7-8-87
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

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pkm

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 10, 1987

Jan Baran, Esquire
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

RE: MUR 2399
National Republican
Congressional Committee
Contributions and Jack
McDonald, as Treasurer

Dear Mr. Baran:

On March 31, 1987, the Federal Election Commission found reason to believe that the National Republican Congressional Committee Contributions and Jack McDonald, as treasurer violated 2 U.S.C. §§ 434(a)(4)(A)(iii). At your request, on July 7, 1987, the Commission determined to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If your clients agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Charles Snyder, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
Acting General Counsel

Enclosure
Conciliation Agreement

8 8 0 4 0 7 1 3 8 0 2

SENSITIVE

RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT
98 JAN 19 PM 4:13

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
National Republican Congressional Committee Contributions and Jack McDonald, as treasurer	)	MUR 2399

GENERAL COUNSEL'S REPORT

The Office of the General Counsel is prepared to close the investigation in this matter as to National Republican Congressional Committee Contributions and Jack McDonald, as treasurer, based on the assessment of the information presently available.

Date 1/19/98

Lawrence M. Noble
General Counsel

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RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT

88 JAN 27 PM 12:26

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

January 27, 1988

MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble
General Counsel

SUBJECT: MUR #2399

Attached for the Commission's review is a brief stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. A copy of this brief and a letter notifying the respondent of the General Counsel's intent to recommend to the Commission a finding of probable cause to believe was were mailed on January 27 , 1988. Following receipt of the respondents' reply to this notice, this Office will make a further report to the Commission.

Attachments
1-Brief
2-Letter to respondents

8 8 0 4 0 7 1 3 8 0 4

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Jan Baran, Esquire
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

RE: MUR 2399
National Republican
Congressional Committee
Contributions and Jack
McDonald, as treasurer

8804071380 5

Dear Mr. Baran:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities the Federal Election Commission, on April 23, 1987, found reason to believe that your clients, the National Republican Congressional Committee Contributions and Jack McDonald, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iii), and instituted an investigation in this matter.

After considering all the evidence available to the Commission, the Office of the General Counsel is prepared to recommend that the Commission find probable cause to believe that a violation has occurred.

The Commission may or may not approve the General Counsel's recommendation. Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within 15 days of your receipt of this notice, you may file with the Secretary of the Commission a brief (10 copies if possible) stating your position on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be forwarded to the Office of the General Counsel, if possible.) The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of whether there is probable cause to believe a violation has occurred.

If you are unable to file a responsive brief within 15 days, you may submit a written request for an extension of time. All requests for extensions of time must be submitted in writing five days prior to the due date and good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

A finding of probable cause to believe requires that the Office of the General Counsel attempt for a period of not less than 30, but not more than 90 days, to settle this matter through a conciliation agreement.

Should you have any questions, please contact Charles Snyder, the attorney assigned to handle this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

Enclosure
Brief

8804071380 6

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
National Republican Congressional Committee Contributions and Jack McDonald, as treasurer	)	MUR 2399

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

On April 23, 1987, the Commission found reason to believe that the National Republican Congressional Committee Contributions ("the Committee") and Jack McDonald, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iii). The factual basis for this finding was that the Committee had failed to file its 1986 Post-General Election Report, which had been due on December 4, 1986, until January 27, 1987, some 54 days late.

II. ANALYSIS

Under the Federal Election Campaign Act ("the Act"), all political committees, other than authorized committees of a candidate, that elect to file quarterly (as opposed to monthly) reports, shall file

> (iii) a post election report, which shall be filed no later than the 30th day after the general election and which shall be complete as of the 20th day after such general election ....

2 U.S.C. § 434(a)(4)(A). The Committee in this case is a registered political committee that files reports with the Commission on a quarterly basis. In 1986, the 30th day after the general election held on November 4th, was December 4, 1986. Accordingly, respondents were obliged to file their (1986) Post-

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General Election Report by December 4, 1986, under the strictures set forth in the above cited statute. In fact, respondents failed to file said report until January 27, 1987, some 54 days late.

In their response to the notification that the Commission had found reason to believe that they violated 2 U.S.C. § 434(a)(4)(A)(iii), respondents stated by a letter dated May 21, 1987, that they

> where [sic] under the belief that since they had been relieved of the requirement of filing a pre-election report due to the lack of pre-election activity, they were similarly relieved of the requirement of filing a post-election report.
>
> However, when advised of the Commission's contrary view by the December 23, 1986 Non-Filer Notice, which was received by Respondents on January 5, 1987, Repondents undertook to comply expeditiously with the requirement. Once the need to file the post-election report was confirmed with Commission staff, Respondents filed the required report.

The statement that respondents "had been relieved of the requirement of filing a pre-election report" refers to the provision in the Act that states that political committees that file on a quarterly basis must file a pre-election report "no later than the 12th day before ... any election in which the Committee makes a contribution to or expenditure on behalf of a candidate in such election, and which shall be complete as of the 20th day before the election ...." 2 U.S.C. § 434(a)(4)(A)(ii).

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In the period relevant to the filing of a pre-election report in 1986, specifically October 1, 1986 to October 15, 1986, respondents made itemized disbursements in the amount of $2,330,000. All of these disbursements were made to the National Republican Congressional Committee - Expenditures, and thus consisted neither of contributions to or expenditures on behalf of any candidate in a federal election. Accordingly, respondents were not required to file a pre-election report by the express terms of 2 U.S.C. § 434(a)(4)(A)(ii).*/

In contrast, the statutory provision that respondents are alleged to have violated, 2 U.S.C. § 434(a)(4)(A)(iii), does not make the filing of a post-election report contingent upon the making of contributions to or expenditures on behalf of a federal candidate. Rather, as we have already noted, the statutory provision in question simply sets forth a requirement that the post-election report be filed by certain political committees, by a certain date, and that it be complete as of a certain date. Respondents' explanation for their failure to file the post-election report amounts to nothing more than an admission that they misconstrued the pertinent statutory provisions.

---

*/ Respondents' belatedly filed post-election report, covering the period October 1, 1986 to November 24, 1986, disclosed receipts totalling $5,041,426, and disbursements totalling $6,589,000. The volume of activity along with the fact that the period covered by the report included the weeks immediately preceding and following a general election, makes respondents' failure to file the required report in a timely manner all the more serious, in the view of this Office.

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As for the remainder of respondents' response, quoted above, it does appear from the records of the Commission's Reports Analysis Division ("RAD") that counsel for the Committee did respond by telephone on January 6, 1987, the day after respondents state that they received the Non-Filer Notice, dated December 23, 1986. There followed over the next several days a series of telephone conversations between counsel for the Committee and RAD, in which said counsel argued the position that the filing of a post-election report was not required by the Act. After four telephone conversations between RAD and persons representing respondents, between January 6, 1987 and January 12, 1987, respondents filed the 1986 Post-Election report on January 27, 1987. In their response, dated May 21, 1987, to the Commission's finding of reason to believe a violation occurred in the present matter, counsel for respondents stated: "Respondents will not contest the Commission's position regarding the post-election report applicability."

In conclusion, it is apparent that respondents were required to file their 1986 Post-General Election Report on December 4, 1986, but they failed to do so until January 27, 1987. Consequently, there is probable cause to believe respondents violated 2 U.S.C. § 434(a)(4)(A)(iii).

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III. GENERAL COUNSEL'S RECOMMENDATION

Find probable cause to believe the National Republican Congressional Committee Contributions and Jack McDonald as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iii).

Date 1/26/88

Lawrence M. Noble
General Counsel

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RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
88 FEB 12 PM 4:11

WILEY, REIN & FIELDING
1776 K STREET, N.W.
WASHINGTON, D.C. 20006
(202) 429-7000

JAN W. BARAN
(202) 429-7330

February 12, 1988

The Honorable Marjorie W. Emmons
Commission Secretary
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RE: MUR 2399

Dear Madame Secretary:

Enclosed please find Respondents' Brief and ten copies in the above-captioned matter, filed pursuant to 11 C.F.R. § 111.16(c).

Sincerely,

Jan W. Baran

JWB/slg
Enclosure

cc: Lawrence M. Noble, Esquire (3 copies)

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
National Republican Congressional	)	MUR 2399
Committee Contributions and	)	
Jack McDonald, as Treasurer	)	

RESPONDENTS' BRIEF

This response is submitted on behalf of the National Republican Congressional Committee Contributions ("NRCC") and Jack McDonald, as Treasurer ("Respondents") in reply to the General Counsel's Brief of January 26, 1988 which recommends that the Commission find probable cause to believe that Respondents violated 2 U.S.C. § 434(a)(4)(A)(iii).

I. FACTS

Prior to the October 23, 1986 filing date for 1986 12 Day Pre-Election Reports, Respondents asked their legal counsel to review the Act's filing requirements with respect to 12 Day Pre-General and 30 Day Post-General Election reports. Affidavit of Benjamin L. Ginsberg in MUR 2399 (hereinafter "Ginsberg Aff.") at ¶ 3 (Exhibit A). On the basis of his review of 11 C.F.R. § 104.5(c)(1)(ii) and (iii) which state that:

> Pre-election reports for the primary and general election shall be filed by a political committee which makes contributions or expenditures in connection with any such election if such

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> disbursements have not been previously disclosed....
>
> ....[and]
>
> ....A post-general election report shall be filed no later than 30 days after any general election

counsel advised Respondents on about October 1, 1987 that they were "not required to file a pre-election or post-election FEC report." Id. at ¶ 4. In order to confirm his analysis of these two provisions as read together, counsel asked the RAD Analyst assigned to NRCC, Brian Hancock, for his reaction. Mr. Hancock did not challenge counsel's conclusion. Id. at ¶ 5.

As acknowledged in the General Counsel's Brief, the NRCC did not have to file a 1986 12 Day Pre-General Election Report as advised by counsel. General Counsel's ("G.C.") Brief at p.3. Subsequently, Respondents, reasonably relying on the advice of counsel, did not file a 1986 30 Day Post-General Election Report. Not until January 5, 1987, 32 days after the filing deadline when they received a notice from the Commission, did Respondents have any idea that they were expected to file this report. Upon inquiry, Mr. Hancock at this time told counsel that RAD had decided that even though the NRCC had engaged in no election related activity during the pertinent time frame, Respondents were required to file a 30 Day Post-General Election Report. Counsel was also told upon further inquiry that Respondents did not need to file

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the report due to the proximity to the 1986 Year-End Report to be filed that same month. It was agreed that Respondents would clearly indicate on the Year-End Report and in their cover letter that the report "should be construed as both the post-election and year-end report." Id. at ¶ 8. Thus, respondents believed the situation was resolved until, contrary to Mr. Hancock's approval of the filing of only one report, counsel was directed in a later phone conversation that a separate report would in fact have to be filed.[1] The report was filed promptly on January 27, 1987.

II. Argument

The General Counsel's Brief concludes that Respondents' failure to file the post-election report "amounts to nothing more than an admission that they misconstrued the pertinent statutory provisions." G.C. Brief at p.3. This conclusion ignores the fact that the Commission's own Reports Analyst did not contradict Respondents' counsel when consulted concerning his advice to Respondents prior to the pertinent reporting dates. Respondents acted conscientiously in requesting advice of counsel as to whether they were required to file reports in connection with an election in which they

---

[1] Even if Respondents accepted the assertion in the General Counsel's Brief that the final conversation between counsel and Mr. Hancock took place on January 12, 1987, it was not until that day, at the earliest, that Respondents actually knew that they had to file a post-general election report.

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spent no money during the relevant time period. Respondents were further justified in relying on advice of counsel, and when a problem developed, Respondents' counsel expeditiously attempted to resolve the problem. In fact, Respondents believed this misunderstanding was resolved in reliance on the Analyst's statement that Respondents 1986 Year-End Report would suffice as the 30 Day Post-General Election Report. It was not until mid-January 1987 that Respondents were informed of another reversal by the FEC which would require the filing of a separate report.

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The General Counsel's Brief also cites to a high volume of activity reported. None of this activity was related to the general election. Thus, the General Counsel's conclusion that since this activity took place immediately preceding and following the general election the failure to file is more serious is inapt. To the contrary, the fact that Respondents

Respectfully submitted,

Jan W. Baran

Carol A. Laham

Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20003
(202) 429-7000

Counsel to the National Republican Congressional Committee Contributions and Jack McDonald, as Treasurer

February 12, 1988

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RECEIVED
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SECRETARIAT
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EXECUTIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
National Republican Congressional Committee Contributions and Jack McDonald, as treasurer	)	MUR 2399

EXECUTIVE SESSION
APR 12 1988

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On April 23, 1987, the Commission found reason to believe that the National Republican Congressional Committee Contributions ("the Committee") and Jack McDonald, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iii). The Commission made that finding because the Committee did not file its 1986 Post-General Election Report, which was due December 4, 1986, until January 27, 1987, 54 days late. An attempt to settle this matter through pre-probable cause conciliation proved unsuccessful. Both this Office and the respondents have now submitted briefs to the Commission.

II. ANALYSIS

(See General Counsel's brief, signed January 26, 1988.) Respondents filed a brief in which they admit their failure to file the required report in a timely manner. They claim that this failure was due to advice of counsel, and that this "counsel asked the RAD analyst assigned to NRCC, Brian Hancock, for his reaction. Mr. Hancock did not challenge counsel's conclusion." Respondents' brief, P. 2.

Respondents' interpretation of the relevant statute as not requiring the filing of a Post-General election report is unsupported by the plain language of that provision. "A post-

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general election report . . . shall be filed no later than 30 days after the general election . . . ." 2 U.S.C. § 434(a)(4)(A)(iii). No ambiguity can be attached to such a straightforward statute. The fact that respondents' counsel nonetheless misinterpreted the law does not vitiate the violation; it is not even a factor in mitigation. The claim that the Reports Analysis Division (RAD) analyst failed to contradict respondents' argument does not constitute a defense to respondents' violation of the Act. In any event, a telephone log of respondents' conversation with the RAD analyst shows that respondents did not contact RAD until January 6, 1987, in response to a Non-filer Notice. The RAD analyst cited authority for the filing requirement, and the Committee's counsel continued to argue (as, it now appears, he had previously advised the Committee) that the Post-General Election report need not be filed. (See Attachment 2.) Respondents' counsel adhered to this view in two subsequent conversations. Id. In the third conversation, Respondents' counsel "asked if it would be acceptable to include any activity from the 30 Day Post-General reporting period with the Year End filing." Id. The RAD analyst called back the next business day to state that such transactions could be included in the Year-End Report, but that the 30 Day Post-General report would still be considered a late filing. In their brief, respondents misinterpret this simple statement of fact as "another reversal by the FEC which would require the

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filing of a separate report." (Respondents' brief, P. 4.) In fact, respondents were not required to file a separate report, but could have included in their Year-End report the information covering the Post-Election report period. Of course, the deadline for filing the Post-General report had passed, and including the information in the Year-End report would not extend the deadline for an already overdue report. Respondents' claim (Respondents' brief, P. 3) that the RAD analyst told them that "Respondents [sic] 1986 Year-End Report would suffice as the 30 Day Post-General Election Report" is simply inaccurate.

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

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III. **GENERAL COUNSEL'S RECOMMENDATIONS**

1. Find probable cause to believe the National Republican Congressional Committee Contributions and Jack McDonald, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iii).

2. Approve the attached conciliation agreement and letter.

3/29/88
Date

Lawrence M. Noble
General Counsel

Attachments
1. Respondents' brief
2. RAD telephone log
3. Proposed Conciliation Agreement
4. Letter

Staff Member: Charles Snyder

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
National Republican Congressional	)	MUR 2399
Committee Contributions and	)	
Jack McDonald, as treasurer	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of April 12, 1988, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 2399:

1. Find probable cause to believe the National Republican Congressional Committee Contributions and Jack McDonald, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iii).

2. Approve the conciliation agreement and letter attached to the General Counsel's report dated March 29, 1988.

Commissioners Aikens, Elliott, Josefiak, McDonald, McGarry, and Thomas voted affirmatively for the decision.

Attest:

4-12-88
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

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Jhm

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 15, 1988

Jan Baran, Esquire
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

RE: MUR 2399
National Republican
Congressional Committee
Contributions and Jack
McDonald, as treasurer

Dear Mr. Baran:

On April 12, 1988, the Federal Election Commission found that there is probable cause to believe the National Republican Congressional Committee Contributions and Jack McDonald, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iii), a provision of the Federal Election Campaign Act of 1971, as amended, in connection with their failure to file their 1986 Post-General Election report in a timely manner.

The Commission has a duty to attempt to correct such violations for a period of 30 to 90 days by informal methods of conference, conciliation, and persuasion, and by entering into a conciliation agreement with a respondent. If we are unable to reach an agreement during that period, the Commission may institute a civil suit in United States District Court and seek payment of a civil penalty.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission within 10 days. I will then recommend that the Commission approve the agreement. Please make your check for the civil penalty payable to the Federal Election Commission.

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If you have any questions or suggestions for changes in the enclosed conciliation agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Charles Snyder, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

Enclosure
Conciliation Agreement

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FEDERAL ELECTION COMMISSION
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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
National Republican Congressional Committee Contributions and Jack McDonald, as treasurer	)	MUR 2399

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

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II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with the National Republican Congressional Committee Contributions and Jack McDonald, as treasurer.

2. Close the file.

3. Approve the attached letter.

Lawrence M. Noble
General Counsel

7/29/88
Date

BY: Lois G. Lerner
Lois G. Lerner
Associate General Counsel

Attachments
1. Conciliation Agreement
2. Photocopy of civil penalty check
3. Letter to Respondent

Staff Assigned: Charles Snyder

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
National Republican Congressional Committee Contributions and Jack McDonald, as treasurer	)	MUR 2399

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on August 3, 1988, the Commission decided by a vote of 6-0 to take the following actions in MUR 2399:

1. Accept the conciliation agreement with the National Republican Congressional Committee Contributions and Jack McDonald, as treasurer, as recommended in the General Counsel's report signed July 29, 1988.

2. Close the file.

3. Approve the letter, as recommended in the General Counsel's report signed July 29, 1988.

Commissioners Aikens, Elliott, Josefiak, McDonald, McGarry, and Thomas voted affirmatively for the decision.

Attest:

8/3/88
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

Received in the Office of Commission Secretary:	Mon.,	8-1-88,	10:37
Circulated on 48 hour tally basis:	Mon.,	8-1-88,	4:00
Deadline for vote:	Wed.,	8-2-88,	4:00

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 5, 1988

Jan W. Baran, Esquire
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

RE: MUR 2399
National Republican Congressional
Committee Contributions and
Jack McDonald, as treasurer

Dear Mr. Baran:

On August 3, 1988, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your clients' behalf in settlement of a violation of 2 U.S.C. § 434(a)(4)(A)(iii), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter. This matter will become a part of the public record within 30 days. If you wish to submit any factual or legal materials to appear on the public record, please do so within ten days. Such materials should be sent to the Office of the General Counsel.

Please be advised that information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact Charles Snyder, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
National Republican Congressional Committee Contributions and Jack McDonald, as treasurer	)	MUR 2399

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found probable cause to believe that the National Republican Congressional Committee Contributions and Jack McDonald, as treasurer ("Respondents") violated 2 U.S.C. § 434(a)(4)(A)(iii).

NOW, THEREFORE, the Commission and the Respondents, having duly entered into conciliation pursuant to 2 U.S.C. § 437g(a)(4)(A)(i), do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding.

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. Respondent, the National Republican Congressional Committee Contributions, is a political committee within the meaning of 2 U.S.C. § 431(4).

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2. Respondent, Jack McDonald, is the treasurer of the National Republican Congressional Committee Contributions.

3. Respondents were required by 2 U.S.C. § 434(a)(4)(A)(iii) to file their (1986) Post-General Election report by December 4, 1986.

4. Respondents failed to file such (1986) Post-General Election report until January 27, 1987.

V. Respondents' failure to file their (1986) Post-General Election report in a timely manner was in violation of 2 U.S.C. § 434(a)(4)(A)(iii). Respondents contend such violation was not knowing and willful and that they relied upon the advice of their Legal Counsel.

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Three Thousand Dollars ($3,000), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

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IX. Respondents shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

By: _____ 8/5/88
Lois G. Lerner
Associate General Counsel
Date

FOR THE RESPONDENTS:

_____ 7/14/88
Jan W. Baran
General Counsel
National Republican Congressional Committee
Date

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2399

DATE FILMED 9/9/88 CAMERA NO. 2

CAMERAMAN K.A.U.

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